

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

13 CV 4487

Warren Lane

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

Reginald Morgan, NYS Division of Parole
Alden Gordon, Human Resource Administration
Roberto Moran, Elizabeth Blockstone,
Malcom George, Jane Doe (Lyla),
Tech. Cook Services for the
Underserved

COMPLAINT

under the

Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)Jury Trial: ☒ Yes ☐ No
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff

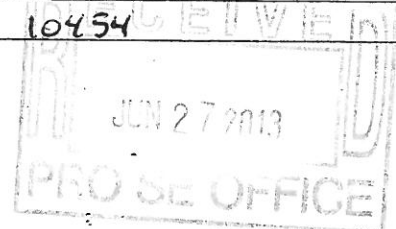
Name Warren LaneID # 241-13-04394Current Institution E.M.T.C. Rikers IslandAddress 10-10 Hazen Street
East Elmhurst, New York

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name Reginald Morgan

Shield #

Where Currently Employed NYS Division of ParoleAddress 14 Bruckner Boulevard 2nd Floor
Bronx, New York 10454

Defendant No. 2 Name Roberto Moran Shield # _____
 Where Currently Employed Services for the Underserved
 Address 1000 Blake Avenue
Brooklyn, New York 11208

Defendant No. 3 Name Elizabeth Blackstone Shield # _____
 Where Currently Employed Services for the Underserved
 Address 1000 Blake Avenue
Brooklyn, New York 11208

Defendant No. 4 Name Malcom George Shield # _____
 Where Currently Employed Services for the Underserved
 Address 1000 Blake Avenue
Brooklyn, New York 11208

Defendant No. 5 Name Jane Doe (Lyla) Shield # _____
 Where Currently Employed Services for the Underserved
 Address 1000 Blake Avenue
Brooklyn, New York 11208

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?

Blake Avenue Mens Shelter

B. Where in the institution did the events giving rise to your claim(s) occur?

Dining room, front lobby, third floor bathroom
and hallway adjacent to front lobby (directly left)
Room 201

C. What date and approximate time did the events giving rise to your claim(s) occur?

All incidents occurred during the month of April
2013 at various times of the day with the exception
of being forced to live in facility which occurred approx 1/2013

Defendants Continued

Defendant No. 6 Tod Cook
Services for the Underserved
1000 Blake Avenue
Brooklyn, New York

Defendant No. 7 Alan Gordon
Human Resources Administration
2 Washington Street 17th Floor
New York, New York 10004

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

D. Facts: I was conditionally released from prison December 10 2010. I was forced by defendant Reginald Moran, under the threat of reincarceration, to live in a shelter where drug use, theft and violence ran rampant. On April 12, 2013 after defending myself I was arrested based upon defendant Malcom George's manipulation of the assailant into claiming I assaulted him. Defendant George falsified official New York City document and transmitted via email those falsified reports. I filed a written complaint to defendants Roberto Moran and Elizabeth Blackstone who dismissed the complaint out of hand. A security video recorded the entire incident. In April 2013, as I walked down the hallway adjacent to the front lobby, Jane Doe (Lyla) yelled out "you better watch out you blind bastard before someone runs you over." My being legally blind is a medical condition that is confidential and her violation of that confidentiality placed me at risk in such a predatory environment. Again, I filed a formal complaint with defendants Roberto Moran and Elizabeth Blackstone who dismissed the complaint out of hand. This incident was recorded by security video and witnessed by several clients of the facility and at least one security personell. Defendant Alan Gordon was responsible for my placement at this facility.

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received: I was denied medical attention for injuries sustained each physically. Injuries were bite marks, cuts and abrasions resulting from the April 30 2013 assault. Emotional trauma and distress. A rapid deterioration of mental state because of the environment of violence and violation of confidentiality regarding medical condition that was not common knowledge. I remain imprisoned based upon false accusations.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☐ No ☒

D. Facts Continued

On April 30, 2013, defendant Elizabeth Blackstone, directed defendant Tod Cook, to remove plaintiff's belongings from the room (201) in which plaintiff was assigned. Tod Cook removed plaintiff's property and placed it in an unsecured location. The bags plaintiff's property were placed were untagged. Plaintiff upon returning to the facility was informed of defendants Blackstone and Cook's action, went directly to where his property was and upon inspection discovered his grandmother's bracelet, a pair of grey alligator shoes and a pair of Nike sneakers missing. Plaintiff immediately reported the theft to defendants Blackstone, Moran and others. Defendant Blackstone laughed in plaintiff's face. A heated argument ensued and spilled outside of the building. The police were called and defendant Tod Cook falsely reported to the police that plaintiff had pulled a gun on him from out of a plastic bag. When questioned further by the police defendant Cook stated he knew it was a gun because of the reflection off of it from the sunlight. Defendant Blackstone was present during this false report and encouraged defendant Cook to make the report. The police did not believe defendants Cook and Blackstone and directed plaintiff to return to his room and "stay there". The police left.

Plaintiff entered the building and attempted to go to room as directed by the police. At that time defendants Moran and Blackstone ordered facility staff to assault plaintiff. Security surveillance recorded the assault.

On April 30, 2013, plaintiff was assaulted by a client of the facility in the presence of staff who found it amusing.

On May 1, 2013, defendant Moran contacted plaintiff's parole officer and filed a report stating that I threatened defendants Moran, Blackstone and Cook. Plaintiff was taken into custody based on that false report and has been detained on Rikers Island since. The defendant Alon Gordon and Human Resource Administration are well aware of the violence and criminal activity that plague NYC shelters and have done nothing to curtail it.

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes _____ No _____ Do Not Know ☒

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes _____ No _____ Do Not Know ☒

If YES, which claim(s)? _____

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ☒ No _____

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes _____ No _____

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance? At the Blake Avenue Mens Shelter

1. Which claim(s) in this complaint did you grieve? All. wrote letters of complaint. Made verbal complaints and requests for relief

2. What was the result, if any? Dismissed by defendants Moran and Blackstone

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process.

I found out April 30, 2013, that my complaints were dismissed. there was no time on May 5, 2013, plaintiff forwarded an appeal to defendant 'G'

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: _____

The day after defendants Moran and Blackstone ordered me assaulted they filed a false report to my parole officer and I was taken into custody there was no time.

2. If you did not file a grievance but informed any officials of your claim, state who you informed, _____

when and how, and their response, if any: I informed my parole officer of my need to be removed from such a violent environment. I repeatedly complained to staff and mental health workers that I was in fear for my safety

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

On May 8, 2013, plaintiff mailed complaints regarding all of the facts set out in this document to defendant Gordon. No response to same has been received. Family also called and asked me to be removed from violent environment.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount).

That Human Resources Administration be order to find me housing that is not in a violence and drug plagued criminal repository. That I be awarded 2 million dollars for the physical abuse, emotional stress and trauma. That a full and complete investigation be order to resolve the issues of violation of confidentiality. That the defendants all be charged in their individual as well as official capacities. That defendants Roberto Moran, Elizabeth Blackstone e Malcolm George, Terrell Cook be fired and criminally charged with falsifying official city documents and wire fraud. That I be awarded one million dollars for false imprisonment which occurred April 12, 2013 and May 1, 2013. I am still incarcerated. That I be awarded 1 million dollars from each defendant in their individual capacities

VI. Previous lawsuits:

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ☒ No ☒

On
these
claims

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes _____ No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

On
other
claims

- C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes ☒ No _____

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff Warren Lane

Defendants Dr. Sheridan

2. Court (if federal court, name the district; if state court, name the county) Northern District of New York

3. Docket or Index number 87-CV-1158

4. Name of Judge assigned to your case McAvoy

5. Approximate date of filing lawsuit 1987

6. Is the case still pending? Yes _____ No ☒

If NO, give the approximate date of disposition 1998

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) Verdict in favor of plaintiff

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 15 day of June, 2013

Signature of Plaintiff

Inmate Number

Institution Address

241-13-04394

E.M.T.C.

10-10 Hazen Street

East Elmhurst, N.Y.

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 15 day of June, 2013 I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Warren Lone